



February 13, 2004

ENGROSSED SENATE BILL No. 83

DIGEST OF SB 83 (Updated February 11, 2004 12:09 pm - DI 107)

Citations Affected: IC 31-14; IC 31-17.

Synopsis: In chambers interview for visitation. Permits a judge to interview a child in chambers before establishing visitation rights.

Effective: Upon passage.

Bray

(HOUSE SPONSORS — FOLEY, GOODIN, THOMAS, KUZMAN)

December 2, 2003, read first time and referred to Committee on Judiciary.
January 8, 2004, amended, reported favorably — Do Pass.
January 12, 2004, read second time, ordered engrossed. Engrossed.
January 13, 2004, read third time, passed. Yeas 49, nays 0.

HOUSE ACTION

February 4, 2004, read first time and referred to Committee on Judiciary.
February 12, 2004, amended, reported — Do Pass.

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ES 83—LS 6346/DI 106+



February 13, 2004

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 83

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 31-14-14-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) A
3 noncustodial parent is entitled to reasonable visitation rights unless the
4 court finds, after a hearing, that visitation might:

- 5 (1) endanger the child's physical health and well-being; or
- 6 (2) significantly impair the child's emotional development.

7 (b) **The court may interview the child in chambers to assist the**
8 **court in determining the child's perception of whether visitation by**
9 **the noncustodial parent might endanger the child's physical health**
10 **or significantly impair the child's emotional development.**

11 (c) **The court may permit counsel to be present at the interview.**
12 **If counsel is present:**

- 13 (1) **a record may be made of the interview; and**
- 14 (2) **the interview may be made part of the record for purposes**
15 **of appeal.**

16 SECTION 2. IC 31-17-4-1 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) A parent not

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1 granted custody of the child is entitled to reasonable visitation rights
 2 unless the court finds, after a hearing, that visitation by the
 3 noncustodial parent might endanger the child's physical health or
 4 significantly impair the child's emotional development.

5 **(b) The court may interview the child in chambers to assist the**
 6 **court in determining the child's perception of whether visitation by**
 7 **the noncustodial parent might endanger the child's physical health**
 8 **or significantly impair the child's emotional development.**

9 **(c) The court may permit counsel to be present at the interview.**
 10 **If counsel is present:**

11 **(1) a record may be made of the interview; and**

12 **(2) the interview may be made part of the record for purposes**
 13 **of appeal.**

14 SECTION 3. IC 31-17-5-2 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The court
 16 may grant visitation rights if the court determines that visitation rights
 17 are in the best interests of the child.

18 (b) In determining the best interests of the child under this section,
 19 the court may consider whether a grandparent has had or has attempted
 20 to have meaningful contact with the child.

21 **(c) The court may interview the child in chambers to assist the**
 22 **court in determining the child's perception of whether visitation by**
 23 **a grandparent is in the best interests of the child.**

24 **(d) The court may permit counsel to be present at the interview.**
 25 **If counsel is present:**

26 **(1) a record may be made of the interview; and**

27 **(2) the interview may be made part of the record for purposes**
 28 **of appeal.**

29 SECTION 4. An emergency is declared for this act.

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COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 83, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 31-14-14-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. **(a)** A noncustodial parent is entitled to reasonable visitation rights unless the court finds, after a hearing, that visitation might:

- (1) endanger the child's physical health and well-being; or
- (2) significantly impair the child's emotional development.

(b) The court may interview the child in chambers to assist the court in determining the child's perception of whether visitation by the noncustodial parent might endanger the child's physical health or significantly impair the child's emotional development.

(c) The court may permit counsel to be present at the interview. If counsel is present:

- (1) a record may be made of the interview; and**
- (2) the interview may be made part of the record for purposes of appeal."**

Page 1, line 8, after "determining" insert **"the child's perception of"**.

Page 2, line 7, after "determining" insert **"the child's perception of"**.

and when so amended that said bill do pass.

(Reference is to SB 83 as introduced.)

BRAY, Chairperson

Committee Vote: Yeas 10, Nays 0.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Senate Bill 83, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Replace the effective dates in SECTIONS 1 through 3 with "[EFFECTIVE UPON PASSAGE]".

Page 2, after line 28, being a new paragraph and insert:

"SECTION 4. **An emergency is declared for this act.**".

and when so amended that said bill do pass.

(Reference is to SB 83 as printed January 9, 2004.)

LAWSON L, Chair

Committee Vote: yeas 12, nays 0.

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